REMARKS

Claims 3-5 are currently pending. Claims 1-2 have been cancelled without prejudice or disclaimer. New claims 6-7 are presented for examination.

Initially, the applicant would like to thank the examiner for the courtesies extended to Kerry S. Culpepper (Reg. No. 45,672) during the interview of 26 September 2008 during which the merits of the Examiner's office action were discussed.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Furukawa, et al. (U.S. 6,243,346) and *Shinsaku*, et al. (JP 11-031350A). This rejection is respectfully traversed.

For the reasons discussed below, these claims, as amended, are now in condition for allowance. Reference numerals are included merely for descriptive purposes.

Claim 3 has been amended to recite a novel embodiment disclosed, for example, on pgs. 19-20 in which a disk apparatus includes *inter alia* a clamping member 3 having a clamper 30 which holds the disk-shaped recording medium 101 and a turntable, wherein a part of said clamper 30 and a part of the turn table 70 are fit in each other when said disk-shaped recording medium is held between said clamper and said turn table. A claw 34 of a clamper-holding part 31 is engaged with a hook portion 35 of the clamper near the internal position of the center hole 101a of said disk-shaped

recording medium held between the clamper 30 and turn table 70. Further, the part of the clamper, which can be the undersides of the hooks 35 of the hook portion 53, is fit in an annular groove 70b formed in a shaft portion 70a of said turn table 70 at its engaging position.

As a result, the distance between the clamper 30 and the surface of the disk becomes shorter when the disk is held between the clamper and the turn table, thereby facilitating assembly with a smaller thickness (see pg. 20, paragraph 28).

As conceded by the examiner, FIGS. 11 and 12 of the present application (hereafter: "AAPA") do not show the floating unit being disposed in a stationary frame through an elastic component, and a part of the clamper and a part of said turn table are fitted in each other, when said disk-shaped recording medium is held between said clamper and said turn table. The examiner has cited Furukawa in order to cure the deficient teachings of AAPA.

Furukawa describes a disk drive apparatus including a drive unit 14 within a casing 12. Particularly, the drive unit 14 is arranged on the printed circuit board 13, and insulators 19a, 19b are placed in contact between a chassis 31 of the drive unit 14 and the printed circuit board 13. However, Furukawa does not teach or suggest the drive unit 14 being in a floating state. Particularly, the insulators 19a, 19b to which the examiner has pointed to as providing the floating between the stationary frame and the floating unit are disposed between a chassis 31 of the drive unit 14 and the printed circuit board 13. Therefore, these insulators 19a, 19b cannot provide a floating unit being disposed in a stationary frame.

Moreover, Furukawa describes the insulators 19a, 19b and dampers 40a, 40b as not being adequate for preventing the drive unit 14 from vibrating. (see col. 5, lines 18-19). Therefore, the applicants respectfully disagree with the examiner's assertion that one skilled in the art would have been motivated to make use of such inadequate measures.

Further, Furukawa fails to teach or suggest a clamper having a part fit within a part of said turn table. The examiner has also cited JP 11-031350 to Shinsaku to cure the deficient teachings of AAPA and Furukawa.

The examiner correctly notes that Shinsaku describes a disk clamp that includes a clamper 27 and a turntable 21. The clamper 27 includes a cap 34 and a clamp body portion 35 (See paragraph 11 and FIG. 1). An engagement portion 33 of the cap 34 rests on portions 38a, 38b, 38c of a clamp supporting portion when the board 40 moves upward (See paragraph 13 and FIGs. 1-3).

However, Shinsaku fails to teach or suggest that a part of said clamper and a part of said turn table are fitted in each other when said disk-shaped recording medium is held between said clamper and said turn table or that a claw of a clamper-holding part is engaged with a hook portion of said clamper near the internal position of the center hole of said disk-shaped recording medium held between said clamper and said turn table, and wherein the part of said clamper is fitted in an annular groove formed in a shaft portion of said turn table at its engaging position.

Rather, Shinsaku shows that the clamper 27 fits around a cylindrical portion surrounding the shaft 24. Further, the shaft does include an annular groove as also called for in claim 3.

Therefore, because AAPA, Furukawa and Shinsaku fail to teach or suggest a part of said clamper and a part of said turn table fitted in each other when said disk-shaped recording medium is held between said clamper and said turn table or that a claw of a clamper-holding part is engaged with a hook portion of said clamper near the internal position of the center hole of said disk-shaped recording medium held between said clamper and said turn table, and wherein the part of said clamper is fitted in an annular groove formed in a shaft portion of said turn table at its engaging position, the rejection of claim 3 should be withdrawn.

Claim 4 further recites the novel embodiment disclosed, for example, on pg. 21 (paragraph 29) in which the disk apparatus includes *inter alia* a projection 35b which is formed on the center axis of rotation of said disk-shaped recording medium and which comes into contact with said clamper-holding part 31 when said disk-shaped recording medium is held between said clamper and said turn table.

The examiner has asserted that FIGS. 3-4 of Shinsaku teach or suggest this recited projection. Although the cap 34 includes a projecting portion 31, as shown in FIGS. 3-4, the projecting portion 31 comes into contact with board 39. That is, the projecting portion 31 does not come into contact with the surface 38, which the examiner has asserted as teaching the recited clamper-holding part, as called for in claim 4. Therefore, because Shinsaku fails to teach or suggest that the projecting portion 31 comes into contact with said clamper-holding part 38 when said disk-shaped recording medium is held between said clamper and said turn table, it is respectfully requested that the rejection of claim 4 be withdrawn.

Claim 5 has been amended to be in independent form and to recite the novel embodiment of the disk apparatus in which a part of said clamper and a part of said turn table are fitted in each other, when said disk-shaped recording medium is held between said clamper and said turn table and wherein the part of said clamper is fitted in an annular groove formed in a shaft portion of said turn table at its engaging position as discussed above with regards to claim 3.

Claim 5 further recites that the shaft portion protrudes from the turn table for fitting in the positioning hole of said disk-shaped recording medium, said annular groove of said shaft portion is formed therein at a position which corresponds to the engaging position of said claw of said clamper-holding part with said hook of said clamper; and wherein said portion of said clamper is fitted in said annular groove when said disk-shaped recording medium is held between said clamp and said turn table.

As discussed above with regards to claim 3, Shinsaku does not even describe an annular groove in the shaft portion. Further, the engagement portions 33 and the portions 38a-c, which the examiner has asserted as teaching the hooks and claws, are disposed outside of the shaft portion.

Therefore, the rejection of claim 5 should be withdrawn.

New claim 6 is presented for examination. Support for new claim 6 can be found in, for example, FIG. 8 and on pg. 20, lines 4-9. New claim 6 depends from claim 3. Therefore, new claim 6 should be in condition for allowance for the above-mentioned reasons with respect to claim 3.

New claim 7 is presented for examination. Support for new claim 7 can be found in, for example, pgs. 19-20. Among other novel features, claim 7 recites a disk

apparatus including *inter alia* a clamping member includes a clamper and a clamper-holding part, wherein the clamper includes a hook portion formed at the center portion of said clamper, said hook portion including a plurality of hooks formed at regular intervals on the same circumference, and a projection which is formed on the center axis of rotation of said disk-shaped recording medium and which comes into contact with said clamper-holding part when said disk-shaped recording medium is held between said clamper and said turn table.

As discussed above with regards to claim 4, Shinsaku fails to teach or suggest that the projecting portion 31 comes into contact with said clamper-holding part 38 when said disk-shaped recording medium is held between said clamper and said turn table.

New claim 7 further recites that the hook portion of said clamper is fitted in an annular groove formed in a shaft portion of said turn table at its engaging position when said disk-shaped recording medium is held between said clamper and said turn table.

As discussed above with regards to claim 4, Shinsaku fails to teach or suggest that a claw of a clamper-holding part is engaged with a hook portion of said clamper near the internal position of the center hole of said disk-shaped recording medium held between said clamper and said turn table, and wherein the part of said clamper is fitted in an annular groove formed in a shaft portion of said turn table at its engaging position.

Accordingly, new claims 6-7 should also be in condition for allowance.

During the interview of 26 September 2008, the examiner presented prior art such as CN2529350Y to Susumisaku Tanaka (hereafter: "Tanaka"). Although no rejection of record has been made based upon Tanaka, the applicant notes that Tanaka describes a disk apparatus in which a clamp holds a disk on a turntable by the force of a

spring. The clamp 48 includes a protruding portion 48a received by a *concave* portion 47a in the turntable 47. The lower cam surface maintains the protruding portion in the concave portion when the disk 2 is being played (reproduced).

However, Tanaka fails to disclose that the turn table 47 includes a shaft portion. Rather, Tanaka describes the turn table as including a concave portion 47a. The element referred to by reference numeral 55 is a turn table motor (see paragraph [0009] of corresponding JP2003077197.

Accordingly, Tanaka also fails to disclose that the clamper is fitted in a recess portion of a shaft portion of said turn table at its engaging position as called for in claims 3-7.

Tanaka also fails to disclose that the shaft portion protrudes from the turn table for fitting in the positioning hole of said disk-shaped recording medium as called for in claims 5-7.

Tanaka also fails to disclose a projection which is formed on the center axis of rotation of said disk-shaped recording medium and which comes into contact with said clamper-holding part when said disk-shaped recording medium is held between said clamper and said turn table as called for in claims 4 and 7.

In view of the above amendments and remarks, it is believed that the present application is in condition of allowance. A notice to that effect is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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